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3. [ ] Discussed our problem with the Ervin bill (S. 1438) with Mr. Darrel St. Claire, Chief Clerk, Office of the Secretary of the Senate, who advised strongly against our trying to get the matter raised on the floor if we were unsuccessful in Committee. He said Senator Thurmond could probably get the matter reconsidered in the Judiciary Committee if he wished but warned that it would be hard to get anyone else to challenge Senator Ervin head-on in a matter in which Ervin is so deeply committed.

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4. [ ] Discussed the above problem with Ed Braswell, Chief Counsel, Senate Armed Services Committee, who said that probably Senator Stennis would be willing to call Senator Ervin in our behalf if pressed, but the Senator was so preoccupied with a number of urgent matters that he hoped we wouldn't call on him unless we thought it essential.

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5. [ ] Intercepted Senator Strom Thurmond on his way from his office to the floor and had a hurried conversation with him about the Ervin bill. He said we should put our case in writing and give it to Mr. Wyman of his staff the first of the week.

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6. [ ] Talked to Mr. Victor Smiroldo, Counsel, House Post Office and Civil Service Committee, and told him that the Senate Committee on the Judiciary has ordered S. 1438, the Ervin bill, reported. The bill hasn't been reported to the Senate as yet. I told him we had been in contact with the Committee staff and with the Chairman and other members of the Committee. We have been successful, we believe, in having the language in the Committee report deleted which stated, in effect, that the Committee amendments met with the approval of this Agency. This results from the fact that our Director's letter of 21 May 1971 may not have been considered when the bill came up before the Committee for consideration last month. It is Mr. Smiroldo's opinion that we are lucky if we have achieved an amendment to the report which would be favorable to our position. He said that in his years in dealing with these people, he has found them most difficult. He does not feel that we need go any farther with the Senate Committee unless we have other problems. He will bring Mr. Martiny, Chief Counsel of the Committee, up-to-date when he returns to the city on Monday.

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1. [ ] Talked to Chairman James Eastland, Senate Judiciary Committee, and explained that we were much concerned over hearing that the Committee, in executive session, had ordered the reporting out of the Ervin bill (S. 1438), which caused us serious problems. I showed the Senator a letter to Senator Ervin from the Director, dated 21 May 1971, reiterating our request for a complete exemption. Senator Eastland replied that it was his impression that Senator Ervin had indicated to the Committee that the present bill was acceptable to all of the Federal agencies concerned. However, he called for a transcript of the full Committee discussion of the bill and on examination it appeared that Senator Ervin had not made this statement. Senator Eastland said the best thing we could do would be to try to get Senator Strom Thurmond, who had seconded the motion to report out the bill, to put a "hold" on it. Senator Eastland explained that this would ensure that the bill would not be reported out during this session and give us time to "lobby" among members of the Committee in an effort to get the Committee to report out an amendment.

In response to my inquiry, Senator Eastland said it would be worth touching base with the following Committee members: Senators Burdick, Byrd, McClellan, Hruska, Scott, Fong, Cook and possibly Mathias.

I showed Senator Eastland a copy of the Director's letter to Senator Ervin and the Senator commented "of course you must have an exemption." I asked him if there was anything else he could do for us or suggest that we do. He said the only things he could recommend were that we take the matter up with Senator Thurmond and talk to several Committee members whom we thought would be sympathetic.

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2. [ ] In connection with the above, I went to Senator Strom Thurmond's office and, in his absence, talked to his Administrative Assistant Dan Carrison who introduced me to one of the Senator's staff members concerned with legislative matters, Henry Herlong. I explained our problem to Herlong and left with him a copy of the Director's letter to Senator Ervin of 21 May 1971 repeating our request for a complete exemption. Herlong said he did not know what the Senator's reaction would be but he would raise the matter with him at the earliest opportunity. I said I would be back in touch with him the first of the week. Herlong said the Senator's staff assistant most familiar with the problem would be Mr. Hastings Wyman, who was out of town but would be in the office Monday and he would mention the matter to Wyman.

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